

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3907 of 1981

Date of decision: 10-11-1997

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

NANDALAL PUNAMCHAND JAIN

Versus

GUJARAT STATE ROAD TRANSPORT CORPORATION,

Appearance:

MR Anand Yagnik for Petitioner
None present for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 10/11/97

ORAL JUDGEMENT

The petitioner, a conductor of the Gujarat State Road Transport Corporation, by this petition under Article 226 of the Constitution of India, challenges the orders of the disciplinary authority and the appellate authority under which he has been given the penalty of reduction of his pay to the minimum in the pay-scale. The petitioner, through the Union, has also raised industrial dispute, but the Government has declined to make reference on the ground that it is an individual dispute and also on the ground that the penalty given to the petitioner is not excessive.

2. The only contention raised by the learned counsel for the petitioner is that looking to the alleged misconduct which was found proved against him, penalty of reduction of the pay to the minimum of the pay-scale is highly excessive and disproportionate. It is contended that it is a case of mistake committed by the conductor - the petitioner herein - and the respondents should have taken the matter leniently.

3. I have given my thoughtful consideration to the submissions made by the learned counsel for the petitioner. The petitioner was discharging his duties as conductor in the Ahmedabad depot, in the S.T. bus on Ahmedabad - Gadhada route on 16-12-1967. He had given the passengers two tickers of 60 paise denomination each. The actual fare was Rs.1.30 ps. The two passengers had paid to the petitioner Rs.1.30 each. Thus the petitioner received Rs.2.60, though he had issued tickets for total amount of Rs.1.20 ps. So it is a case where the petitioner has misappropriated the money of the Corporation. It is a serious misconduct and it is found proved against the petitioner. It is very convenient for the petitioner to take the plea that it is an honest mistake but it cannot be. It is a deliberate attempt on the part of the petitioner to put the Corporation to loss and to gain for himself. It is a clear case of misappropriation of the Corporation's money. In such matters no lenient view should be taken. It is a different matter that in such serious misconduct the respondents have taken the matter leniently. Still the petitioner is not satisfied.

4. Looking to the misconduct of the petitioner, the penalty of reduction of his pay to the minimum of the pay-scale is towards lesser side. No interference is called for by this court.

5. In the result this special civil application

is dismissed. Rule discharged. Interim relief, if any,
granted by this court stands vacated. No order as to
costs.

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